

## **THE CITY OF FREDERICK ETHICS COMMISSION ADVISORY OPINION 14-1**

The City of Frederick Ethics Commission (hereinafter referred to as "Ethics Commission" or "Commission") pursuant to The City of Frederick Ethics Ordinance, Chapter 21 of the Code of The City of Frederick, convened on May 12, 2014 to hear a request for an Advisory Opinion concerning the conflict of interest provisions of Chapter 21. Present at the meeting were Richard L. Stup, Chair; Norman Covert, Commission Member; Paul Frey, Commission Member; Sandra Nickols, City Attorney; Phyllis Hane, Legislative Clerk and the elected official requesting the opinion. Elizabeth Batten, Vice Chair and Phil Bowers, Commission Member were absent due to business conflicts.

The Ethics Commission has the responsibility pursuant to Section 21-2(b) of the Ethics Ordinance "To be the advisory body responsible for interpreting this chapter and advising persons subject to it as to its application." The question presented to the Commission was whether an Alderman whose spouse is employed by an organization which will be financially impacted by a proposed Resolution before the Board may participate in the discussion and vote on that Resolution.

After listening to the testimony of the elected official and reviewing all relevant information, the Ethics Commission unanimously made the following determinations.

1. Elected officials of The City of Frederick are subject to the City's Ethics Ordinance.
2. The factual scenario at issue is as follows:
  - a. An Alderman's spouse is employed by a property management company which manages condominiums and homeowners associations in the City.
  - b. The proposed Resolution before the Board of Aldermen establishes water rates for the entire City by specifically establishing (1) a base installment amount based on the size of the meter, and (2) a metered gallonage rate based on the amount of water flowing through the meter.
  - c. The proposed Resolution also provides for a change in the way residential condominium bills are calculated such that all multifamily residential property rates will be calculated in the same manner.
3. The spousal employment identified in paragraph 2 above does not create a conflict of interest under the Ethics Ordinance for the Alderman.
4. Therefore the Alderman may participate in discussions and vote on the proposed Resolution regarding water rates.

The Commission further advised that the subject Alderman should publicly disclose his spouse's employment status on the record prior to discussing and voting on the proposed Resolution concerning water rates.

The Commission commended the Alderman's mindfulness of potential conflicts of interest in bringing this question before the Commission.

Date: 5/12/14

  
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Richard L. Stup, Chair